SB Civil Writ Petition No.2014/2000

Principal, Jawahar Navodaya Vidyalaya, Khairthal

Vs

Judge,Central Govt Ind. Trib.-cum-Labour Court,Jaipur & anr

6.8.2007

Hon'ble Mr Justice Ashok Parihar

Mr VS Gurjar – for petitioner

Mr Hawa Singh – for respondent No.2

BY THE COURT:

Petitioner has challenged the award dated 8.12.1999, passed by the Central Government Industrial Tribunal-cum- Labour Court, Jaipur, by which, while holding the termination of services of the respondent No.2 (concerned workman) as illegal and unjustified for want of compliance of section 25 F of the Industrial Disputes Act, 1947, the concerned workman has been ordered to be reinstated with 50% back wages from the date the dispute was raised before the Conciliation Officer.

After hearing learned counsel for the parties, I have carefully gone through the material on record.

Since it is a finding of fact on the basis of evidence, I find no error or illegality in the discretion

used by the Tribunal in ordering reinstatement, however, looking to the nature and duration of employment, under the facts and circumstances, I find no justification in awarding any back wages.

Accordingly, the writ petition is partly allowed. The impugned award dated 8.12.1999 is modified to the extent that the concerned workman shall be entitled for reinstatement on same terms and conditions he was employed at the time of termination from the date of the award i.e. 8.12.1999 only. The concerned workman shall not be entitled for any benefits prior to the above date. As per statement made by learned counsel for the parties the concerned workman has already been reinstated in service, as such, arrears, if any, as per directions issued above may be made to the concerned workman within thirty days from the date of receipt of certified copy of this order.

(Ashok Parihar) J.

bnsharma